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WRIGHT MEDICAL TECHNOLOGY, INC.
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ARLINGTON TN 38002-9501

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OFFICE OF PETITIONS

In re Application of	:	
Stephen B. Murphy	:	DECISION ON PETITION TO
Application No. 10/691,143	:	WITHDRAW HOLDING OF
Filed: 21 October, 2003	:	ABANDONMENT
Attorney Docket No. 702.153	:	

This is a decision on the petition filed on 3 November, 2005, styled under 37 CFR 1.8(b), which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on 5 August, 2005, for failure to timely respond to the non-final Office action mailed on 4 May, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioner asserts that an amendment was timely filed by facsimile. In support, petitioner has supplied a copy of an amendment to the specification, the first page of which contains a Certificate of Transmission dated 3 August, 2005, and signed by Patricia Powell. Petitioner has also included a copy of the sending unit's transmission report, showing that the response was faxed to 703-872-9306, as well as a copy of the USPTO's Auto-Reply Facsimile Transmission report showing that eight (8) pages were received on 3 August, 2005.

As petitioners have provided convincing evidence that an amendment was transmitted to the USPTO on 3 August, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 3733 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions